

REMARKS

Claims 1-20 are pending in the present application. Claims 1-5, 7, 8, 10, 14, 16, and 17 were amended, and claim 9 was canceled. Claims 1-8 and 10-20 remain pending.

As requested by the Examiner, attached is a copy of the prior art cited on Applicant's Information Disclosure Form, page 2, item R.

Independent claims 1 and 8 were amended to make clear that the Internet page description file is generated "on a digital imaging device" and "references" images captured by the digital imaging device. Claims 1 and 14 have also been amended to cancel references to "a script" in order to claim other types of programs. Claim 8 has further been amended to recite "allowing a user to load a script onto the digital imaging device", rather than "providing the digital imaging device with a script," and "allowing the user to couple" the digital imaging device to the Internet.

Claims 2-5, 7, 10, and 16 have been amended to provide proper antecedent basis. It is submitted that no new matter has been added.

The present invention provides a method and system for automatically generating on a digital camera a page description file, such as HTML file, that references images captured by the digital camera. Program instructions executed by the camera cause the camera to display a series of text instructions to the user, such as for example, prompting the user to take a picture, prompting the user to enter any descriptive information regarding a picture, and the like. The program instructions, preferably in the form of a script, also includes a set formatting commands that are adapted to automatically create the page description file (e.g., web page) within the camera. After the file is created, the file may be copied to a PC and viewed by a web browser, or the camera may be directly connected to the Internet, where the file is made available for

viewing.

In so doing, the present invention allows a user having no knowledge of HTML to produce HTML describing one or more web pages referencing the captured images, without having to first transfer the captured images to a PC.

The Examiner rejected claims 1-20 under 35 USC § 103 as being unpatentable over Molly E. Holzschlag in view of the Parulski et al. (U.S. patent No. 5,633,678).

Holzschlag is an article relating to server push animation, which is a technique used to create animation on a web site. Holzschlag teaches that a web server hosting the web site must include a script program, a series of graphics (GIFs or JPEG) that are to be used in the animation, and a list dictating the order in which the graphics will appear. The list and the graphics are then placed on the server, and the proper syntax -- dictated by the servers animation script -- is dropped into the HTML. When a web browser calls the server for this information, the graphics cycle through the list order, creating the animation on the browser.

The Examiner sited Parulski for disclosing an image captured by digital imaging device having a display and a computer, and stated that "it would have been obvious... to include the image captured by the digital imaging device... in the system of Holzschlag." Applicant respectfully traverses the rejection.

Applicant does not dispute that Parulski's image captured by the digital imaging device could be used in the system of Holzschlag. In fact, this is described in Applicant's Background of the invention, which states:

[A] digital camera's pictures ... can be incorporated into a document along with corresponding text annotations or descriptions ... The resulting document can be formatted in accordance with any of a number of popular page description languages used for the Internet, such as HTML (hypertext markup language), XML (extensible markup language), java script, and the like... [O]nce the HTML file, referencing the

pictures has been created, it can easily be exchanged among any number of users via email and subsequently viewed (e.g., as a web page) using any of a number of web browsers. Alternatively, the HTML file itself can be made available over the Internet using web server software. The HTML file essentially becomes a web page which web browser equipped users can view or download on demand. (Specification, page 2, line 21-page 3, line 12)

Applicants contention is that using Parulski's images to populate Holzschlag's HTML animation still fails to overcome the problem solved by present invention and fails to teach or suggest the present invention as claimed. As stated in Applicant's Background of the Invention, the problem with prior methods for creating an HTML file incorporating the images taken with the digital camera, is that the user must form a series of burdensome manual steps. The user must 1) take the pictures, 2) transfer the pictures to a PC, 3) import the image into an image editing application, 4) import the image into an HTML publishing application, and 5) format an HTML file. As the information must be entered while using the HTML publishing application, as opposed to when the pictures are taken, the user needs to remember the relevant details about each picture or have previously taken notes regarding the pictures elsewhere. In addition to all of the above, the user is also required to have the requisite skills in operating the image editing application, and operating the HTML publishing application.

A user of the system of Holzschlag and Parulski would still face these same problems. The present invention, by contrast, solves these problems by providing a method for automatically generating an Internet page description file on a digital imaging device, thus eliminating the need for a PC. As recited in claim 1, "interactive instructions" are displayed on the digital imaging device, prompting a user to perform specific operations. In response, the interactive instructions are automatically updated, such that the user is guided through a series of related image captures. Thereafter, the digital imaging device automatically "generates" an

HTML file "referencing" the resulting images. And as recited in claim 8, the user may "couple the digital imaging device to the Internet", and make "the Internet page description file available via the Internet by hosting a web server application on a computer system within the digital imaging device."

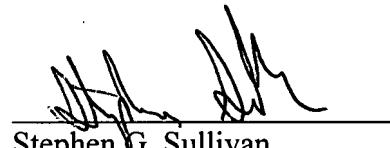
This is in stark contrast to Holzschlag because in the present invention, the images captured by the digital camera are referenced in the HTML file, which is automatically generated by program instructions in the digital camera. Conversely, Holzschlag's HTML file residing on the web server is created via traditional methods, as described above. In addition, not only does Holzschlag fail to teach or suggest "program instructions" that are capable of automatically generating an HTML file on a web server, a combination of Holzschlag and Parulski also fails to teach or suggest that a user can "load a script" into a digital imaging device for automatic HTML generation, or that the digital imaging device is capable of "executing" such scripts, as recited in claim 8. Holzschlag also fails to teach or suggest "displaying interactive instructions that prompt a user", and "automatically updating those instructions". Finally, Parulski is silent as to coupling a digital camera to the Internet, and what's more, fails to teach or suggest how to couple a camera to the Internet. Therefore, the combination also fails to teach steps e) and f), of claim 8. Absent such teaching or suggestion, it is believed that a combination of Holzschlag and Parulski fails to establish obviousness.

In view of the foregoing, it is submitted that claims 1, 8, and 14 is allowable over the cited references. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1-18

and 10-20 as now presented.

Applicants' attorney believes that this Application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

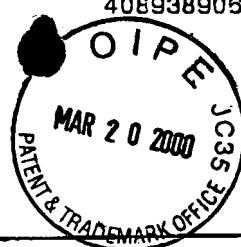
Respectfully submitted,



Stephen G. Sullivan

Sawyer Law Group LLP (formerly Sawyer & Associates)
Attorney for Applicants
Reg. No. 38,329
(650) 493-4540

(659-493-4544)

Glenn Barnes

From: Gregory Aharonian <arctran@world.std.com>
To: <patent-news@world.std.com>
Sent: Thursday, January 29, 1998 10:26 PM
Subject: PATNEWS: What isn't obvious in the patent world?

!19980129 What isn't obvious in the patent world?

One complaint I hear from patent lawyers is that the definition of obviousness varies from one examiner to another so much that it is unpredictable how your drafted claims will be responded to. Three recent patents illustrate this in different ways: one obvious to any familiar with the Internet over the decades, one obvious as an specific use of a general technique, and a third from Oracle obviously not taken seriously by Oracle.

=====

The first is titled "Remote Sensing Ice Merchandiser", 5,708,223, and if you are like me, your first reaction to that title should be, "BETTER MAKE SURE YOU CITE THE CMU'S INTERNET COKE MACHINE AS PRIOR ART". What follows is the exemplary claim, and then a story about the Internet Coke machine. To me the claim is obvious in light of the story. In fact, had the inventors thought about the CMU's ICM, they might have included a sensor to tell if the ice is melted. No non-patent prior art was cited.

Filed 25 Jan 1996

1. An ice merchandiser inventory system comprising:
 - a) an insulated cabinet having walls defining a product storage chamber, wherein portions of the cabinet define an access opening for customer access to bagged ice contained within the storage chamber;
 - b) at least one door mounted to the cabinet, wherein the door may be opened for access to the storage chamber;
 - c) means for determining the level of bagged ice contained within the storage chamber mounted within the cabinet;
 - d) a controller electrically connected to the level determining means; and
 - e) a communicator electrically connected to the controller, wherein the controller passes information with respect to the bagged ice level detected by the level determining means through the communicator to an inventory control apparatus at a location remote from the cabinet, to thereby signal the need to restock the cabinet with additional bagged ice when ice levels fall below a predetermined level.

as opposed to twenty years of Internet coke machines:

AN

From: tgl@zog.cs.cmu.edu (Tom Lane)
Newsgroups: alt.folklore.computers
Subject: The only Coke machine on the Internet
Date: 11 Dec 89 15:45:34 GMT

This story is old news to ex-CMU folk, but may be amusing to others.

Since time immemorial (well, maybe 1970) the Carnegie-Mellon CS department has maintained a departmental Coke machine, which sells bottles of Coke for a dime or so less than other vending machines around campus. As no Real Programmer can function without caffeine, the machine is very popular. (I recall hearing that it had the highest sales volume of any Coke machine in the Pittsburgh area.) The machine is loaded on a rather erratic schedule by grad student volunteers.

In the mid-seventies expansion of the department caused people's offices to be located ever further away from the main terminal room where the Coke machine stood. It got rather annoying to traipse down to the third floor only to find the machine empty; or worse, to shell out hard-earned cash to receive a recently loaded, still warm Coke. One day a couple of people got together to devise a solution.

They installed microswitches in the Coke machine to sense how many bottles were present in each of its six columns of bottles. The switches were hooked up to CMUA, the PDP-10 that was then the main departmental computer. A server program was written to keep tabs on the Coke machine's state, including how long each bottle had been in the machine. When you ran the companion status inquiry program, you'd get a display that might look like this:

EMPTY EMPTY 1h 3m
COLD COLD 1h 4m

This let you know that cold Coke could be had by pressing the lower-left or lower-center button, while the bottom bottles in the two right-hand columns had been loaded an hour or so beforehand, so were still warm. (I think the display changed to just "COLD" after the bottle had been there 3 hours.)

The final piece of the puzzle was needed to let people check Coke status when they were logged in on some other machine than CMUA. CMUA's Finger server was modified to run the Coke status program whenever someone fingered the nonexistent user "coke". (For the uninitiated, Finger normally reports whether a specified user is logged in, and if so where.) Since Finger requests are part of standard ARPANET (now Internet) protocols, people could check the Coke machine from any CMU computer by saying "finger coke@cmua". In fact, you could discover the Coke machine's status from any machine anywhere on the Internet! Not that

av

it would do you much good if you were a few thousand miles away...

As far as I know nothing similar has been done elsewhere, so CMU can legitimately boast of having the only Coke machine on the Internet.

The Coke machine programs were used for over a decade, and were even rewritten for Unix Vaxen when CMUA was retired in the early eighties. The end came just a couple years ago, when the local Coke bottler discontinued the returnable, coke-bottle-shaped bottles. The old machine couldn't handle the nonreturnable, totally-uninspired-shape bottles, so it was replaced by a new vending machine. This was not long after the New Coke fiasco (undoubtedly the century's greatest example of fixing what wasn't broken). The combination of these events left CMU Coke lovers sufficiently disgruntled that no one has bothered to wire up the new machine.

I'm a little fuzzy about the dates, but I believe all the other details are accurate. The man page for the second-generation (Unix) Coke programs credits the hardware work to John Zsarnay, the software to David Nichols and Ivor Durham. I don't recall who did the original PDP-10 programs.

=====

The second patent is as follows:

5,708,429

Method of compressing EEG signals

Filed 26 Jan 95

1. A method of generating from an analog EEG signal a compressed signal for storing and/or transmitting the compressed signal, wherein said method comprises the following steps:
converting the analog EEG signal into a signal in digital form;
generating by means of an estimator predicted values of the digital signal on the basis of the past behavior of the analog signal and generating a signal indicative of the difference between predicted values and actual values of the digital signal,
encoding said signal indicative of the distance by means of variable-length codes with prefixes to generate the compressed signal.

The patent cited only four non-patent prior art items all related to EEG signal processing for the most part. But I find it hard to believe that nowhere in the signal processing / compression world that someone in the last twenty years hasn't thought off this technique for signals in general. For example, there has to be a variety of papers using Huffman codes to compress LPC speech coefficients. Heck the IEEE has a multi-year conference series on image/signal processing compression because there is so much research going on. Obvious if anyone had done a decent prior art search.

AN

=====

At least the small Italian company that applied for this previous patent bothered to do at least some non-patent prior art searching. How then did Oracle submit the following patent application citing no non-patent prior art for a field in which there are twenty years of a plurality of conferences and journals on the subject? OBVIOUSly they weren't interested in a serious patent.

5,708,822

Methods and apparatus for thematic parsing of discourse

1. A method for parsing thematic context of input discourse, said method comprising the steps of:

specifying a plurality of thematic constructions that define content of discourse;

testing each of said thematic constructions with said input discourse to identify applicability of each of said thematic constructions to said input discourse; and generating a thematic context output for said input discourse by generating, for each word in said input discourse, a thematic tag to indicate applicability of each of said thematic constructions to said input discourse.

or with obvious substitutions, a less pompous plagiary of someone's conference abstract:

Methods and apparatus for semantic parsing of text

1. A method for parsing semantic context of input text, said method comprising the steps of:

specifying a plurality of semantic constructions that define content of text;

testing each of said semantic constructions with said input text to identify applicability of each of said semantic constructions to said input text; and generating a semantic context output for said input text by generating, for each word in said input text, a semantic tag to indicate applicability of each of said semantic constructions to said input text.

I guess Oracle, as part of its membership in the fraudulent Software Patent Institute periodically has to submit a patent application citing no non-patent prior art (otherwise its fellow board members would not take its non-seriousness seriously :-). Patents like this deserve the sound of one hand clapping.

=====

a

**Greg Aharonian
Internet Patent News Service**